

## Administrative Order



**Administrative Order No.:** 9-22

**Title:** Delegation of Powers to the Department of Corrections and Rehabilitation

**Ordered:** 7/23/2002

**Effective:** 8/2/2002

### **AUTHORITY:**

Sections 8.01 (D) and 4.02 of the Miami- Dade County Home Rule Amendment and Charter and Florida Statute 943.1395 (2000).

### **SUPERSEDES:**

This administrative order supersedes previous Administrative Order 9-22, ordered September 24, 1969 and effective January 28, 1970.

### **DELEGATION OF POWERS:**

All duties and functions which pertain to the booking, incarceration, transportation between County jail facilities, custody, and release of prisoners who are brought to County jail facilities are delegated to the Director of the Department of Corrections and Rehabilitation and/or designees. The powers and functions contained in the constitution and general laws of this State related to the booking, incarceration, transportation, custody and release of prisoners within the County jail system are delegated to the Director of the Department of Corrections and Rehabilitation and/or designees. The power to make in-house arrest for the purpose of executing warrants of capias issued by a competent authority on prisoners already in custody is also delegated to the Director of Corrections and Rehabilitation and/or designees.

The arrest powers for those correctional officers who are dual certified as law enforcement officers in accordance with the requirements of Florida Statutes, §943.1395 (2000) include the power to arrest inmates who have absconded from a supervised monitored release program, work release program, and/or the custodial supervision of the North Dade Community Corrections Center pursuant to an arrest warrant, capias, or court order issued by a competent judicial authority.

### **APPLICABILITY:**

The delegation of arrest powers is applicable to all correctional officers who are dual certified as law enforcement officers in full compliance with the requirements of Florida Statutes, §943.1395 (2000).

## **PROCEDURES:**

A Miami-Dade County correctional officer who is dual certified as a law enforcement officer is authorized to effect an arrest on an inmate that has absconded from a supervised monitored release program, including those inmates under the custodial supervision of the Department's North Dade Community Corrections Center, e.g., electronic monitoring program and other applicable programs. The officer may effect the arrest under the following conditions:

1. Upon an inmate escaping from custody, absconding from the North Dade Community Corrections Center, and/or supervised monitored release, the Department will make a request to a judiciary to grant authorization to apprehend and return the subject to custody if not previously granted in writing. The judiciary will grant such authorization in the form of an issued arrest warrant, capias or court order.
2. Upon the judiciary granting the Department authorization to effect an arrest, the Department will assign a dual certified correctional officer(s) to conduct the apprehension of the subject. A correctional officer with dual law enforcement certification must have met all requirements that are mandated within Florida State Statute 943.1395.
3. To assure all apprehensions are conducted within an officer's legal scope, the correctional officer(s) will comply with the Department's standard operating procedure that governs apprehension. The procedure outlines the following: limits the arrest authority of dual certified correctional officers to instances where the inmate has executed the return-to-custody form described in the last paragraph of page 2 of Roy Wood's County Attorney Opinion dated March 10, 1997: legal actions that can be taken during an apprehension; the officer's legal limitations and restrictions; as well as when a pursuit or use of a firearm is authorized.
4. The Department will communicate a subject's apprehension efforts to applicable local law enforcement agencies and coordinate as the circumstances indicate.
5. The applicable Florida State Statutes within Chapter 901 will govern all correctional officers' arrests. When executing an arrest, the correctional officer(s) will ensure the legal rights of the subject as well as other citizens are fully protected.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Steve Shiver  
County Manager